United Nations S/RES/1838 (2008)

Security Council

Distr.: General
7 October 2008

Resolution 1838 (2008)

Adopted by the Security Council at its 5987th meeting, on 7 October 2008

The Security Council,

Recalling its resolutions 1814 (2008) and 1816 (2008),

Gravely concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to fishing activities conducted in conformity with international law,

Noting with concern also that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia, using long-range assets such as mother ships, and demonstrating more sophisticated organization and methods of attack,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Commending the contribution made by some States since November 2007 to protect the World Food Programme ("WFP") maritime convoys, and, the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Noting recent humanitarian reports that as many as three-and-a-half million Somalis will be dependent on humanitarian food aid by the end of the year, and that maritime contractors for the WFP will not deliver food aid to Somalia without naval warship escorts, *expressing its determination* to ensure long-term security of WFP deliveries to Somalia and *recalling* that it requested the Secretary-General in resolution 1814 (2008) to provide his support for efforts to protect WFP maritime convoys,

08-53884 (E)

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking note of the letter dated 1 September 2008 of the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the Transitional Federal Government ("TFG") to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States, as well as regional organizations, to provide advance notifications additional to those already provided, in accordance with paragraph 7 of resolution 1816 (2008), to combat piracy and armed robbery at sea off the coast of Somalia,

Recalling that in the statement of its President dated 4 September 2008 (S/PRST/2008/33) it welcomed the signing of a peace and reconciliation agreement in Djibouti and commended the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his ongoing efforts, and *emphasizing* the importance of promoting a comprehensive and lasting settlement in Somalia,

Recalling also that in the statement of its President dated 4 September (S/PRST/2008/33) it took note of the parties' request in the Djibouti Agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force and *looking forward* to the Secretary-General's report due 60 days from its passage, in particular a detailed and consolidated description of a feasible multinational force, as well as a detailed concept of operations for a feasible United Nations peacekeeping operation,

Emphasizing that peace and stability, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat against international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates that it condemns and deplores* all acts of piracy and armed robbery at sea against vessels off the coast of Somalia;

2. *Calls upon* States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;

3. *Calls upon* States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy;

4. *Urges* States that have the capacity to do so to cooperate with the TFG in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008);

5. *Urges* also States and regional organizations, in conformity with the provisions of resolution 1814 (2008), to continue to take action to protect the World

Food Programme maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia;

6. *Urges* States, as requested in particular by International Maritime Organization resolution ("IMO") A-1002(25), to issue to ships entitled to fly their flag, as necessary, advice and guidance on appropriate precautionary measures to protect themselves from attack or actions to take if under attack or the threat of attack when sailing in waters off the coast of Somalia;

7. *Calls upon* States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 above;

8. *Affirms* that the provisions in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member States under international law, including any rights or obligations under the Convention, with respect to any situation, and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

9. *Looks forward* to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008) and *expresses* its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular, upon the request of the TFG, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. *Decides* to remain seized of the matter.

United Nations S/RES/1839 (2008)

Security Council

Distr.: General
9 October 2008

Resolution 1839 (2008)

Adopted by the Security Council at its 5992nd meeting, on 9 October 2008

The Security Council,

Recalling all its relevant resolutions including resolution 1808 of 15 April 2008 (S/RES/1808),

Taking note of the reports of the Secretary-General of 23 July 2008 (S/2008/480) and 3 October 2008 (S/2008/631),

1. *Decides* to extend the mandate of the United Nations mission for a new period terminating on 15 February 2009;

2. *Decides* to remain actively seized of the matter.

08-54425 (E)

United Nations S/RES/1840 (2008)

Security Council

Distr.: General
14 October 2008

Resolution 1840 (2008)

Adopted by the Security Council at its 5993rd meeting, on 14 October 2008

The Security Council,

Reaffirming its previous resolutions on Haiti, in particular its resolutions 1780 (2007), 1743 (2007), 1702 (2006), 1658 (2006), 1608 (2005), 1576 (2004) and 1542 (2004),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Reaffirming its support to the Government of Haiti and *welcoming* the recent formation of the Government of the Prime Minister Michèle Pierre-Louis and the approval of her Government's General Policy Declaration by the Parliament as steps towards providing governance, stability and democracy in Haiti, and as a new opportunity to place the long-term reform process back on track,

Encouraging the Government of Haiti and all the other relevant Haitian political, social and economic actors to strengthen democratic dialogue and forge the widest and most inclusive possible consensus, *recognizing* that leadership and constant political will of the Government of Haiti among the relevant Haitian actors is needed to strengthen governance and national capacities to address the highest priority issues in its national agenda,

Recognizing the devastation that has been suffered by the people of Haiti during the current hurricane season and the immediate, medium- and long-term damage done to the agricultural and infrastructure sectors as well as its impact on Haiti's stability and security situation,

Acknowledging the challenges facing the government to coordinate the delivery of humanitarian relief and to start the recovery efforts, as well as the need to establish a disaster and risk reduction strategy,

Recognizing that the rapid rise in global food and fuel prices continues to pose a significant threat to the overall process of stabilization in Haiti and has adversely effected the political, security, humanitarian, social, economic and development fields; and encouraging the international community to continue to support Haiti in this regard,

08-54896 (E)

Recognizing the inter-connected nature of the challenges in Haiti, reaffirming that sustainable progress on security, the rule of law and institutional reform, national reconciliation and development are mutually reinforcing, and welcoming the continuing efforts of the Government of Haiti and the international community to address these challenges,

Recognizing that respect for human rights, due process, addressing the issue of criminality and putting an end to impunity are essential to ensuring the rule of law and security in Haiti,

Commending the United Nations Stabilization Mission in Haiti (MINUSTAH) for continuing to assist the Government of Haiti to ensure a secure and stable environment and *deploring* again the violence which took place on April 2008, the Security Council *reiterates* its deep regret about the loss of life and the attacks against MINUSTAH facilities and United Nations personnel and *commends* the measures taken by MINUSTAH, *expressing* gratitude to the troops and police personnel of MINUSTAH and to their countries and paying tribute to those injured or killed in the line of duty,

Acknowledging some improvements in recent months in the security situation but noting that the security situation remains fragile,

Emphasizing the importance of cooperation between Haiti and neighbouring and regional states in effectively managing and securing both Haiti's land and maritime territorial borders, and in line with the shared interest to secure these borders,

Underscoring that international illicit trafficking of persons, drugs and arms continues to affect the stability of Haiti,

Emphasizing the role of regional organizations in the ongoing process of stabilization and reconstruction of Haiti and *calling on* MINUSTAH to continue to work closely with the Organization of the American States (OAS) and the Caribbean Community (CARICOM), *taking note* of the Joint Communiqué of the Consultative Group 2x9 on Haiti of 29 August 2008 (S/2008/640),

Stressing the importance of establishing credible, competent and transparent governance, and encouraging the Government of Haiti to further strengthen state institutions,

Welcoming the initial recommendations of the Consultative Commission on Prolonged Pretrial Detention, and expressing its strong support for further efforts on this issue as well as in addressing in an effective and timely manner the issue of prison overcrowding,

Calling on the Government of Haiti, in coordination with the international community, to continue to advance security sector reform, in particular as called for in the Haitian National Police (HNP) Reform Plan adopted by the Government of Haiti on 8 August 2006 as well as reinforcing the efforts to reform the critical judiciary and correctional systems,

Welcoming the initial steps taken towards strengthening the judicial system in accordance with the national justice reform plan, including judicial institution modernization and improvement in the access to justice, which are crucial aspects of Haiti's reconstruction and stabilization,

Welcoming the adoption of the new electoral law and looking for its early implementation in view of the forthcoming elections and also *welcoming* the support of the OAS to update the Haitian voter registry and *calling on* the Haitian authorities, with the continued support of donors and partners of Haiti and regional organizations as well as MINUSTAH and the United Nations system, to establish permanent and effective electoral institutions, and to hold elections consistent with Haiti's constitutional and legal requirements,

Underlining the need for the quick implementation of highly effective and visible labour intensive projects that help create jobs and deliver basic social services,

Acknowledging the efforts undertaken by Haitian authorities and the contributions of the international community and the United Nations system, supported by MINUSTAH, to respond to the humanitarian and other needs of disaster-affected people, and stressing the importance for future actions in this regard to be fully coordinated among donors and partners of Haiti, with the Government of Haiti as well as within the United Nations system,

Recognizing the importance of long-term commitment of international donors and partners of Haiti, encouraging them to continue strengthening their levels of assistance,

Stressing the need to reinforce the capacities of the Government of Haiti and its institutions, in particular in the coordination of international cooperation,

Welcoming the Secretary-General's report S/2008/586 of 27 August 2008,

Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region, despite the progress achieved thus far,

Acting under Chapter VII of the Charter of the United Nations, as described in section 1 of operative paragraph 7 of resolution 1542 (2004),

1. *Decides* to extend the mandate of MINUSTAH as contained in its resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), and 1780 (2007) until 15 October 2009, with the intention of further renewal;

2. *Expresses* its satisfaction with the reconfiguration of the Mission carried out in accordance with resolution 1780 (2007), and endorses the recommendation made by the Secretary-General in paragraph 20 of his report S/2008/586 to maintain the current Mission configuration until the planned substantial increase of the Haitian National Police capacity allows for a reassessment of the situation, taking into account the need to adjust MINUSTAH's composition and realign its activities to reflect the changing circumstances and priorities on the ground, including the need to further strengthen the training of the Haitian National Police;

3. *Decides*, therefore, that MINUSTAH will continue to consist of a military component of up to 7,060 troops of all ranks and of a police component of a total of 2,091 police;

4. *Recognizes* the ownership and primary responsibility of the Government and the people of Haiti over all aspects of the country's stabilization, *recognizes* the role of MINUSTAH in supporting the Government's efforts in this regard, and *encourages* the Government of Haiti to continue to take full advantage of

international support to enhance its capacity, which is indispensable for the sustainable success of MINUSTAH;

5. *Expresses* its full support for the Special Representative of the Secretary-General, notably in his efforts related to improving stability and governance in close cooperation with the Government of Haiti, and reaffirms his authority in the coordination and conduct of all activities of United Nations agencies, funds, and programmes in Haiti;

6. *Reaffirms* its call upon MINUSTAH to support the political process under way in Haiti, including through the good offices of the Special Representative of the Secretary-General, and, in cooperation with the Government of Haiti, to promote an all-inclusive political dialogue and national reconciliation, and to provide logistical and security assistance for the upcoming electoral process, in particular the elections which were scheduled to take place in November 2007, to fill the Senate seats that were left vacant with the end of the mandate of one third of the Senators on 8 May 2008;

7. *Recognizes* the importance of resolving political differences through dialogue and *encourages* the Special Representative of the Secretary-General to facilitate this dialogue between the Government of Haiti and all relevant political actors in order to ensure that the democratically elected political institutions can continue carrying forward the reform work laid out in the National Strategy for Growth and Poverty Reduction Paper (DSNCRP);

8. *Welcomes* the continuing contribution of MINUSTAH to the Government of Haiti's efforts to build institutional capacity at all levels and *calls upon* MINUSTAH, consistent with its mandate, to expand such support to strengthen self-sustaining state institutions, especially outside Port-au-Prince, including through the provision of specialized expertise to key ministries and institutions;

9. *Requests* that MINUSTAH continue its support of the HNP as deemed necessary to ensure security in Haiti, and encourages MINUSTAH and the Government of Haiti to continue to undertake coordinated deterrent actions to decrease the level of crime and violence;

10. *Recognizes* the need for improving and enhancing the efforts in the implementation of the HNP Reform Plan and *requests* MINUSTAH, consistent with its mandate, to remain engaged in assisting the Government of Haiti to reform and restructure the HNP notably by supporting the monitoring, mentoring, training and vetting of police personnel and strengthening of institutional and operational capacities, while working to recruit sufficient individual police officers to serve as instructors and mentors of the HNP, consistent with its overall strategy to progressively transfer geographic and functional responsibility for conventional law and order duties to its Haitian counterparts in accordance with the HNP Reform Plan;

11. *Invites* Member States, including neighbouring and regional States, in coordination with MINUSTAH, to engage with the Government of Haiti to address cross-border illicit trafficking of persons, drugs, arms and other illegal activities, and to contribute to strengthening HNP capacity in these areas;

12. *Requests* MINUSTAH to provide technical expertise in support of the efforts of the Government to pursue an integrated border management approach,

with emphasis on state capacity-building, and *underlines* the need for coordinated international support for Government efforts in this area;

13. *Welcomes* the imminent deployment of MINUSTAH's sixteen maritime patrol boats in support of the Haitian National Police's Coast Guard responsibilities in protecting and patrolling the maritime borders of Haiti;

14. *Recognizes* the need for MINUSTAH to continue its efforts to patrol along maritime and land border areas in support of border security activities by the HNP, and *encourages* MINUSTAH to continue discussions with the Government of Haiti and Member States to assess the threats along Haiti's land and maritime borders;

15. *Requests* the United Nations country team, and *calls upon* all actors, to complement security and development operations undertaken by the Government of Haiti with the support of MINUSTAH with activities aimed at effectively improving the living conditions of the concerned populations and *requests* MINUSTAH to continue to implement quick-impact projects;

16. *Condemns* any attack against personnel or facilities from MINUSTAH and *demands* that no acts of intimidation or violence be directed against the United Nations and associated personnel or facilities or other actors engaged in humanitarian, development or peacekeeping work;

17. *Welcomes* the steps taken towards the reform of rule of law institutions, *requests* MINUSTAH to continue to provide necessary support in this regard, and *encourages* the Haitian authorities to take full advantage of that support, notably in modernizing key legislation and in the implementation of the justice reform plan, the establishment of the Superior Council of the Judiciary, the reorganization and standardization of court registration processes and the management of cases, and the need to address the issue of prolonged pretrial detentions;

18. *Encourages* also the implementation of the strategic plan of the National Prison Administration, and supports the strengthening of the Mission's capacity, as referred to in paragraph 42 of the Secretary-General's report (S/2008/586), in particular to address prison overcrowding, and requests MINUSTAH to remain engaged in supporting the mentoring and training of corrections personnel and strengthening of institutional and operational capacities;

19. *Requests* MINUSTAH to continue to pursue its community violence reduction approach, including through support to the National Commission on Disarmament, Dismantlement and Reintegration and concentrating its efforts on labour-intensive projects, the development of a weapons registry, the revision of current laws on importation and possession of arms, reform of the weapons permit system and the promotion of a national community policing doctrine;

20. *Reaffirms* MINUSTAH's human rights mandate and calls on the Haitian authorities to continue their efforts to promote and protect human rights, and calls on MINUSTAH to continue to provide human rights training to the HNP and other relevant institutions, including the correctional services;

21. *Strongly condemns* the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of girls, and *requests* MINUSTAH to continue to promote and protect the rights of women and

children as set out in Security Council resolutions 1325 (2000), 1612 (2005), and 1820 (2008);

22. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance of all MINUSTAH personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse, and to keep the Council informed, and *urges* troop-contributing countries to ensure that acts involving their personnel are properly investigated and punished;

23. *Calls upon* MINUSTAH and the United Nations country team to further enhance their coordination and, in concert with the Government of Haiti and international partners, help ensure greater efficiency in the implementation of the National Strategy for Growth and Poverty Reduction Paper (DSNCRP) in order to achieve progress in the area of socio-economic development, which was recognized essential for the stability in Haiti in the Consolidation Plan of the Secretary-General, and address urgent development problems, in particular those caused by recent hurricanes;

24. *Recognizes* the need for a high-level donor conference to lend its support to the DSNCRP, and in this regard calls upon the international community, in particular donor countries and partners of Haiti and multilateral institutions, in cooperation with the Haitian authorities, to devise and implement under the leadership of the Haitian authorities, an efficient aid coordination system, based on mutual responsibility, which would focus on short-term immediate needs, as well as medium- and long-term reconstruction requirements, and also *encourages* donors and partners of Haiti to accelerate the disbursement of their pledges as a contribution to development and stability in Haiti;

25. *Welcomes* progress made by MINUSTAH in communications and public outreach strategy, and requests it to continue these activities;

26. *Welcomes* the work done by the Secretary-General to develop five benchmarks and indicators to measure progress being made towards the consolidation of stability in Haiti and *requests* the Secretary-General to continue updating the Consolidation Plan on the basis of the outline provided, in consultation with the Government of Haiti, taking into account the DSNCRP, as appropriate, and to inform the Council accordingly in his reports;

27. *Requests* the Secretary-General to report to the Council on the implementation of MINUSTAH's mandate semi-annually and not later than 45 days prior to its expiration;

28. *Requests* also the Secretary-General to include in his reports a comprehensive assessment of threats to security in Haiti, taking into account a review of the activities and composition of MINUSTAH, its coordination with the United Nations country team and other development actors and the need for poverty eradication and sustainable development in Haiti, and to propose, as appropriate, options to reshape the composition of MINUSTAH;

29. *Decides* to remain seized of the matter.

United Nations S/RES/1841 (2008)

Security Council

Distr.: General
15 October 2008

Resolution 1841 (2008)

Adopted by the Security Council at its 5996th meeting, on 15 October 2008

The Security Council,

Recalling its previous resolutions concerning the situation in Sudan, in particular resolutions 1828 (2008) of 31 July 2008, 1779 (2007) of 28 September 2007, 1769 (2007) of 31 July 2007, 1713 (2006) of 29 September 2006, 1672 (2006) of 25 April 2006, 1665 (2006) of 29 March 2006, 1651 (2005) of 21 December 2005, 1591 (2005) of 29 March 2005, and 1556 (2004) of 30 July 2004 and statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and cooperation in the relations among States in the region,

Stressing again its firm commitment to the cause of peace throughout Sudan, full implementation of the Comprehensive Peace Agreement of 9 January 2005, full implementation of the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement), and an end to the violence and atrocities in Darfur,

Reiterating the importance of promoting a political process to restore peace and stability in Darfur, and *strongly urging* those parties who have not yet agreed to participate in negotiations to do so immediately and all parties to the conflict to engage fully and constructively in the process and to cooperate with African Union/United Nations Chief Mediator Djibril Bassolé,

Reiterating its belief in the basis provided by the Darfur Peace Agreement for a lasting political solution and sustained security in Darfur, *deploring* that the Agreement has not been fully implemented by the signatories and not signed by all parties to the conflict in Darfur,

Noting with strong concern the ongoing violence, impunity, and consequent deterioration of the humanitarian situation, and reiterating its deep concern about the security of civilians and humanitarian aid workers and about humanitarian access to populations in need, and calling upon all parties in Darfur to cease offensive actions immediately and to refrain from further violent attacks,

Demanding that there should be no aerial bombings nor the use in Darfur, by any party to the conflict, of white aircraft or aircraft with markings resembling those

08-55190 (E)

on United Nations aircraft, and demanding that the parties to the conflict exercise restraint and cease military action,

Commending the efforts of, and reiterating its full support for, the joint African Union/United Nations chief mediator of the African Union, the United Nations Secretary-General, the League of Arab States, and the leaders of the region to promote peace and stability in Darfur, looking forward to the full and rapid deployment of the African Union/United Nations Mission in Darfur (UNAMID), and expressing strong support for the political process under the African Union/United Nations-led mediation,

Recalling the 27 May 2008 midterm report by the Panel of Experts appointed by the Secretary-General pursuant to paragraph 3 (b) of resolution 1591 (2005) and extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and taking note of the Panel's final report (S/2008/647, annex), and expressing its intent to study the Panel's recommendations further and to consider appropriate next steps,

Emphasizing the need to respect the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend until 15 October 2009 the mandate of the current Panel of Experts, originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006) and 1779 (2007), and requests the Secretary-General to take the necessary administrative measures;

2. *Requests* the Panel of Experts to provide no later than 29 March 2009 a midterm briefing on its work and no later than 90 days after adoption of this resolution an interim report to the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations;

3. *Requests* the Panel of Experts to coordinate its activities as appropriate with the operations of the African Union/United Nations Hybrid operation in Darfur (UNAMID), and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), and progress towards reducing impediments to the political process, threats to stability in Darfur and the region and other violations of the above-mentioned resolutions;

4. *Urges* all States, relevant United Nations bodies, the African Union and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004);

5. *Decides* to remain actively seized of the matter.